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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,958	05/16/2005	Chul-sik Ok	4930-051505	1853

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EXAMINER

MISIASZEK, MICHAEL

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 12/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/534,958	<b>Applicant(s)</b> OK, CHUL-SIK	
	<b>Examiner</b> Michael Misiaszek	<b>Art Unit</b> 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/26/2006</u> . | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**1. Claims 1, 2, 7, 8, 13, 14, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ximenes et al. (US 20040148231 A1, hereinafter Ximenes) in view of Takayanagi (US 5168371).**

#### Regarding Claim 1

Ximenes discloses a picture selling system using the internet, comprising:

- a picture provider for providing pictures through the internet network (at least abstract: owner provides images through internet)
- a picture purchaser for viewing the pictures exhibited at a given virtual gallery through the interact network and requesting purchase of a desired picture among the exhibited pictures (at least abstract: ordering portals allow users to browse image collection and select images for purchase)
- a picture mediation server connected to the internet network, for receiving the pictures from the picture provider to exhibit those pictures at the virtual gallery and converting the desired picture which the purchaser wants to buy into a dedicated electronic picture file, at the request of the picture purchaser (at least

Art Unit: 3625

paragraphs [0006] and [0008]: catalog and order server system provide received images from owners to order portals; print files of images generated by system)

- a picture selling agency for receiving the dedicated electronic picture file through the internet network to restore the file to a picture requested by the picture purchaser, and for outputting the restored picture through a given printer (at least paragraph [0006]: print facility reads print file and prints image from print file)

Ximenes does not disclose automatically deleting the dedicated electronic picture file. Takayanagi teaches that it is known to include the automatic deletion of a file upon its output (at least column 4, lines 41-43: image file deleted when it is output). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the picture selling system, as taught by Ximenes, with the automatic deletion of an outputted file, as taught by Takayanagi, since such a modification would have provided a means for ensuring that unauthorized users do not access image data files (at least column 1, lines 58-62 of Takayanagi).

Regarding Claims 8, 14, 17

The Examiner notes that claims 8, 14, and 17 are substantially similar to claim 1 and are therefore rejected on similar grounds.

Art Unit: 3625

Regarding Claim 2

Ximenes discloses:

- the picture provider is an artist who paints the pictures or a second picture mediation server for storing pictures of various kinds (at least paragraph [0035]: owner of images is an artist)

Regarding Claim 7

Ximenes discloses:

- the picture mediation server comprises a payment system for confirming receipt of money corresponding to the picture which the picture purchaser selected (at least paragraph [0035]: ordering server confirms receipt of payment)

Regarding Claims 13, 16

The Examiner notes that claims 13 and 16 are substantially similar to claim 7 and are therefore rejected on similar grounds.

Art Unit: 3625

**2. Claims 3-6, 9-11, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ximenes in view of Takayanagi as applied to claims 1, 2, 7, 8, 13, 14, 16, and 17 above, and further in view of Nahan et al. (US 6343273 B1, hereinafter Nahan) and Berarducci et al. (US 20050225799 A1, hereinafter Berarducci).**

Regarding Claim 3

Ximenes and Takayanagi discloses the picture mediation server comprises:

- a picture information database for storing the pictures received from the picture provider and data on the pictures (at least paragraph [0041] of Ximenes: catalog server stores image data)
- a purchase information database for storing purchase information of the purchaser for a picture which the purchase makes purchase request of the picture (at least paragraph [0008] of Ximenes: ordering server stores image order information)
- a web server for converting a picture corresponding to purchase information into the dedicated electronic picture file and entirely controlling respective constitution elements of the system (at least paragraph [0035] of Ximenes: ordering server has mechanism that confirms payment receipt)
- a mail server for transmitting the purchase information and the dedicated electronic picture file to the picture selling agency (at least paragraph [0035] of Ximenes: ordering server transmits print file and order information to print facility)

Art Unit: 3625

Ximenes and Takayanagi do not disclose:

- a frame information database for storing information on the size, kind and material of the frame for packing the desired picture of the purchaser
- a member information database for storing information on the picture provider, the picture purchaser and the picture selling agency

Berarducci teaches that it is known to include a database for storing frame preferences regarding size, kind, and material of the frame (at least figure 3) for an image order in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the picture selling system, as taught by Ximenes and Takayanagi, with the storing of frame preferences, as taught by Berarducci, since such a modification would have provided a convenient means for user customization of image orders (at least paragraph [0016] of Berarducci).

Nahan teaches that it is known to include a database for storing member information on a picture provider, purchaser, and seller (at least column 7, lines 40-50 and column 10, lines 36-50: artist, client, and gallery data are stored in the system database) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the picture selling system, as taught by Ximenes and Takayanagi, with the storing of member information, as taught by Nahan, since such a modification would have provided a means for reducing the time required for a client to order a piece of artwork and to increasing the sales potential of art galleries (at least column 2, lines 21-28 of Nahan)

Art Unit: 3625

Regarding Claims 9, 15

The Examiner notes that claims 9 and 15 are substantially similar to claim 3 and are therefore rejected on similar grounds.

Regarding Claim 4

Ximenes and Takayanagi disclose:

- the picture information database further includes information on the royalty of the picture, which is agreed with the artist in advance, depending on the frequency number where the picture of the artist is transmitted (at least abstract of Ximenes: payment to the owner is apportioned based on the amount owed to distribute according to the owner rights)

Regarding Claims 10, 11

The Examiner notes that claims 10 and 11 are substantially similar to claim 4 and are therefore rejected on similar grounds.



Regarding Claims 5, 6

Ximenes and Takayanagi disclose the claimed invention except for:

- the picture provider further comprises a second picture mediation server for storing pictures of various kinds
- the picture mediation server connects the second picture mediation server in agreement with the mediation server in advance, and wherein if the purchaser requests a picture included in the second picture mediation server, the picture mediation server directly sends the picture from the second picture server to the picture selling agency

Nahan teaches that it is known to include a picture provider being a server storing pictures of various kinds (at least column 4, lines 50-58: another gallery provides pictures) and connecting to the provider and directly sending a selected picture to the picture selling agency (at least column 15, lines 15-36: second gallery connected to and sends picture) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the picture selling system, as taught by Ximenes and Takayanagi, with the provider storing various pictures and directly sending a selected picture, as taught by Nahan, since such a modification would have provided a means for reducing the time required for a client to order a piece of artwork and to increasing the sales potential of art galleries (at least column 2, lines 21-28 of Nahan)

Art Unit: 3625

**3. Claims 12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ximenes in view of Takayanagi as applied to claims 1, 2, 7, 8, 13, 14, 16, and 17 above, and further in view of Murakami et al. (US 6959385-B2, hereinafter Murakami)**

Regarding Claim 12

Ximenes and Takanayagi disclose the claimed invention except for:

- the deletion step comprises the step of edition including change of a letter style and a letter size or composition with other images in the restored picture

Murakami teaches that it is known to include composing another image into the selected image (at least abstract: watermark images) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the picture selling system, as taught by Ximenes and Takayanagi, with the composing another image into the selected image, as taught by Murakami, since such a modification would have provided means for more easily protecting the copyrights of images (at least column 1, lines 23-28 of Murakami).

Regarding Claim 18

The Examiner notes that claim 18 is substantially similar to claim 12 and is therefore rejected on similar grounds.

Art Unit: 3625

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Misiaszek whose telephone number is (571) 272-6961. The examiner can normally be reached on 8:00 AM - 4:30 PM, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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11/22/2006

  
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